

PLANNING & REGULATION COMMITTEE

MINUTES of the meeting held on Monday, 2 September 2024 commencing at 2.00 pm and finishing at 4.20 pm

Present:

Voting Members:

- Councillor Ian Snowdon – in the Chair
- Councillor Imade Edosomwan
- Councillor Mohamed Fadlalla
- Councillor Ted Fenton
- Councillor Stefan Gawrysiak
- Councillor Bob Johnston
- Councillor Judy Roberts
- Councillor David Rouane
- Councillor Geoff Saul
- Councillor Les Sibley

Officers:

Whole of meeting

David Periam (Development Management Team Leader), Nicholas Perrins (Head of Strategic Planning), Mary Hudson (Planning Applications Team Leader), David Mytton (Solicitor) and Lucy Brown (Senior Democratic Services Officer)

The Committee considered the matters, reports and recommendations contained or referred to in the agenda for the meeting, together with a schedule of addenda tabled at the meeting and decided as set out below. Except insofar as otherwise specified, the reasons for the decisions are contained in the agenda, reports and schedule, copies of which are attached to the signed Minutes.

15/24 APOLOGIES FOR ABSENCE AND TEMPORARY APPOINTMENTS

(Agenda No. 1)

Apologies for absence were received from Councillors Bennett and Bloomfield.

16/24 DECLARATIONS OF INTEREST - SEE GUIDANCE NOTE BELOW

(Agenda No. 2)

No declarations of interest were received.

17/24 MINUTES

(Agenda No. 3)

Resolved: that the minutes of the meeting held on 15 July 2024 were approved as an accurate record of the meeting and signed by the Chair.

18/24 PETITIONS AND PUBLIC ADDRESS

(Agenda No. 4)

No petitions were received.

The following speakers requested to address the Committee on the following items on the agenda:

Item 5: Land at White Cross Farm, Wallingford, Oxfordshire

- Cllr Pete Sudbury, Councillor for Wallingford Division
- Vicky Beardall Richards, Cholsey Parish Council
- Professor Richard Harding, CPRE
- Linda Rolfe
- Dr Sue Roberts
- Tom Oliver
- Simon Rees, Director of Greenfield Environment (agents for the applicant, London Rock Supplies Ltd)

Item 6: Bridge Farm Quarry, Sutton Courtenay

- Mr O'Broin, Appleford on Thames Parish Council
- Rita Atkinson, Sutton Courtney Parish Council
- Robin Draper
- Philip Duncan, Corylus Planning & Environment

Item 7: Bridge Farm Quarry, Sutton Courtenay

- Mr O'Broin, Appleford on Thames Parish Council
- Rita Atkinson, Sutton Courtney Parish Council
- Robin Draper
- Philip Duncan, Corylus Planning & Environment

Item 8: Delegations for discharge of statutory development and enforcement planning functions

- Mr O'Broin, Appleford on Thames Parish Council

19/24 LAND AT WHITE CROSS FARM, WALLINGFORD, OXFORDSHIRE

(Agenda No. 5)

The Planning Applications Team Leader introduced the application to the Committee for the site at White Cross Farm which was located approximately 1.5km to the south of Wallingford town centre within the South Oxfordshire District. The land was proposed for the extraction and processing of sand and gravel, with restoration to agriculture and nature conservation and was a new site currently used as grazing land with one field used for crops.

The Committee were presented with slides detailing the geographical landscape and outlined the four phases of the extraction and restoration project, a correction to the paragraph 19 of the report. The Committee were

advised that this was the same development previously applied for under MW.0033/18, with the proposals amended to address the reasons for refusal of that application. Most significantly, these were the restoration and afteruse proposals that would now restore the land to agriculture and nature conservation using imported inert fill. Also, the marina afteruse was no longer proposed.

The Committee was advised that 351 third-party representations had been received, one of those supported the application, and the remaining had objected or expressed concerns. The points raised were detailed in Annex 4 to the report. It was also noted that the Environment Agency formally confirmed they no longer objected during the third consultation to the application following flood modelling identified in response to the second consultation. Since the report had been published, a further representation had been received and this had been published as an addendum to the published agenda. This had related to flooding and groundwater which had been addressed within the report, but included a further response from the applicant. There had also not been any objections received from the Environment Agency or the lead local flood authority, and also no objections from the Environment Health Office or the Highways Authority.

The recommendation to the Committee was as follows:

It is RECOMMENDED that subject to a Traffic Regulation Order to prohibit right-turn movements into the site from the A329 Reading Road and right-turn movements out of the site onto the A4130 Nosworthy Way first being made and a S.106 legal agreement to cover the matters in Annex 2, planning permission for MW.0115/21 be approved subject to conditions to be determined by the Head of Strategic Planning, to include those set out in Annex 1.

The Committee were addressed by the following registered public speakers:

- Councillor Pete Sudbury addressed the Committee as Councillor for the Wallingford Division and as Cabinet Member whose portfolio included minerals and flooding. He advised that he was objecting to the application due to the level of flooding that occurs every winter on the site and the impact on the local road network, which was already very congested due to its proximity to the main route from Didcot to Reading. He also drew attention to the objections raised by the Council's Landscape Officer and officers at South Oxfordshire District Council. He highlighted concerns regarding the lack of communication provided to those affected by this new site, which was regrettable when compared to the level of communication offered to the applicant.
- Vicky Beardall Richards, Environmental Coordinator for Cholsey Parish Council addressed the Committee to object to the application on behalf of the Parish Council and highlighted the inappropriateness of the site being considered. In particular, she highlighted the close proximity to the River Thames, Ridgeway Trail and the Chilterns national landscape and the detrimental impact of an industrial development alongside the River Thames and the Thames Path. The increased level of traffic was also highlighted as an issue, and the close proximity of a children's nursery to the site which would be affected by noise and pollution.

- Professor Richard Harding, CPRE and local resident addressed the Committee to object to the application and highlighted the proximity of the site to the River Thames which would be disruptive to the natural flow of the river. He advised that the site would be subject to extensive flooding for a number of months and did not agree that any protection would be provided for by the intended straw bale bund which would be washed away during flooding.
- Linda Rolfe, local resident addressed the Committee to object to the application and highlighted the inappropriate use of the land in an area of such exceptional natural beauty and tranquillity. She provided historical background to the land, which provided a stable sub-stratum and a wide range of habitats for an abundance of species well documented by local wildlife groups. The substantial risk of flooding which would be made worse by the development was highlighted, and advised that it was not possible to make a projection of the impact of the proposed gravel pit based upon past trends.
- Dr Sue Roberts, local resident addressed the Committee to object to the application and highlighted the detrimental impact to local wildlife, in particular the population-collapse demonstrated by the latest swan-upping. She drew the Committee's attention to the South Oxfordshire Local Plan 2035 which states 'that developments should avoid the loss, fragmentation, severance or other negative impacts on the function of green infrastructure'.
- Tom Oliver, local resident addressed the Committee to object to the application and highlighted Policy C5 of the Oxfordshire Mineral Waste Core Strategy which expects proposals for minerals and waste to not have unacceptable adverse impact on the local environment. He highlighted the number of objections received to this application, of which he did not feel had been resolved. In response to a question from the Committee, he advised that a 30-metre buffer zone would not be sufficient to protect the river wildlife from the construction site.
- Simon Rees, Director of Greenfield Environment, agents for the applicant London Rock Supplies Ltd, addressed the Committee in support of the application, and highlighted the NPPF's positive approach to development and approving an application which accords with the development plan without delay, and that a plan should be in place for a steady and adequate supply of aggregates by maintaining landbanks of at least 7 years for sand and gravel and ensure that large land banks bound up in very few sites do not stifle competition. He also highlighted the low-level environmental impact as indicated by the consultation responses received, especially those from the Environment Agency.

In response to questions asked by the Committee, Simon Rees clarified the following:

- The current landbanks are estimated to be below 7 years for sand and gravel.
- The use of hay bales had been used on the site for a number of years and were intended to screen the site, not act as a flood defence. The intention was to use natural materials as a screen and would be used alongside the Thames Path as the phase moved through the site. The size of the bales would be as standard bales and would be stacked at intervals at no more than 100 metres in length.
- The size of the site was infinitesimally smaller than the size of the river running alongside the site, and the restoration proposed would have no impact on the hydrogeology of the area as shown in the hydrogeology risk assessment which was part of the EIA.
- Pollutants to the site would be minimal as diesel spillages are not commonplace in a modern plant, and there was a drive towards hybrid and electric vehicles.

Any silt created by the site would be minimal and not large in comparison to the natural silt collected through the river's natural passage.

- Settling ponds in sand and gravel extraction sites are a common feature across Oxfordshire and many of these sites do flood.
- It is expected that the delivery of excavated material would be used at local building sites within 20 or 30 miles from the site.
- The applicant has its own fleet of vehicles; however all operators also have independent local contractors to move the materials.

In response to questions from the Committee, David Periam, Planning Development Manager and Mary Hudson, Planning Applications Team Leader advised the following:

- The development would provide 0.55 million tonnes which at an APR rate of 0.96 million tonnes would add less than one year's additional landbank. Therefore, by the end of 2024 there would still be the need for additional sand and gravel permissions to maintain the landbank above the 7-year minimum, even if this application was granted permission.
- Whilst other applications have been received, the landbank should be considered as it is presented at the time of making this decision, and it is not possible to assume that other applications would be approved.
- It would be difficult to determine responsibility for any adverse impact caused by flooding at this stage.

Councillor Gawrysiak proposed to **REJECT** the Officers' recommendation in the agenda which was seconded by Councillor Endosomwan.

A named vote was carried out. Councillors Gawrysiak, Endosomwan, Fadlalla, Roberts, Rouane and Snowdon voted for the motion. Councillors Fenton, Sibley, Johnston and Saul voted against the motion.

RESOLVED: that the planning application for MW.0155/21 be REFUSED for the following reason.

Due to its location, the proposed development would have an adverse landscape and visual impact on the River Thames, the Thames Path National Trail and on the setting of the Chilterns National Landscape (Area of Outstanding Natural Beauty), contrary to the provisions of policy C8 of the Oxfordshire Minerals and Waste Local Plan – Part 1 Core Strategy and policy ENV1 of the South Oxfordshire Local Plan 2035.

Mary Hudson left the meeting and did not return.

20/24 BRIDGE FARM QUARRY, SUTTON COURTENAY

(Agenda No. 6)

The Planning Development Manager introduced the two applications for Bridge Farm Quarry, Sutton Courtenay along with those the subject of Agenda item 7. The first application sought permission to move the remaining stockpiled sand and gravel permitted under planning permission MW.0093/18 using HGV movements instead of by the permitted conveyor tunnel beneath the B4016. The Committee were advised that this was due

to a major breakdown of the conveyor and that there were no other means of removing the material from the site. Application MW.0008/20 was a Section 73 application to continue the development of the extraction of sand and gravel and restoration using in situ and imported clay materials to create a wet woodland habitat as permitted by MW.0094/18 without complying with conditions 1 and 16, in order to extend the end date of restoration and remove the remaining stockpile of sand and gravel by road rather than conveyor and conditions 2 and 32 for substitution of an updated restoration plan.

The recommendation to the Committee was:

The report recommends that applications MW.0004/20 and MW.0008/20 be approved.

The Committee were addressed by the following registered public speakers:

- Mr O'Broin, Appleford-on-Thames Parish Council addressed the Committee on agenda items 6 and 7. He highlighted the impact on the community from the adjacent development who have suffered from many negative consequences such as noise, odour and in this case traffic disruption. The Committee were informed that they did not object to every application, only to those that interfere with the quality of life and the health of the residents. He requested that strict conditions be applied to the applications, including that the completion date should be no later than December 2025, the restoration of the conveyor for gravel extraction and that all commercial traffic movements to and from the site should be restricted and not allowed during morning and evening rush hour.
- Rita Atkinson, Sutton Courtenay Parish Council addressed the Committee on agenda items 6 and 7. She advised that they agreed with all comments made by Appleford-on-Thames Parish Council and wanted to highlight the additional extension to the timescales for the completion date for restoration of the site and the use of HGVs to transport stockpiled sand and gravel across the B4016. The Committee were informed that Sutton Courtenay Parish Council would agree to the applications provided that the S73 applications to extract gravel from 5 and 6 were rejected and would agree to the stockpile from phase 1 to 4b being moved across the B4016 to speed up the restoration of the site and to meet the end date of 2025 provided that the end date of 2025 was granted as an immutable condition.
- Robin Draper, Vice Chair of the Community Liaison Group with Heidelberg and FCC addressed the Committee on agenda items 6 and 7. He highlighted the delays and lack of urgency in addressing the bridge quarry project, with end dates repeatedly pushed back, with numerous S73 applications to change conditions and no enforcement taken despite clear breaches. He urged the Committee that if they were minded to approve the applications, they should ensure that strict conditions were attached to ensure an end date of 2025 and frequently monitor the site to enable a proactive, rather than reactive approach to ensuring it is met.
- Philip Duncan, Corylus Planning & Environment addressed the Committee on agenda items 6 and 7. He advised that his client wished to bring the project to an end, and that these applications would bring this to a close. The Committee were informed that three quarters of the site had been restored, and that the biodiversity of the site would be secured.

Philip Duncan responded to the Committee's questions as follows:

- The conveyor belt used at the site was second hand, and had since broken down. The cost of fixing or replacing the conveyor would not be cost effective.
- The clients had confirmed they were able to extract the minerals within the timeframe proposed, they had originally asked for a longer time period, however Officers had requested the proposed date be adhered to.
- The end date for applications relating to agenda item 6 would be completed by June 2025, with the whole site completed by December 2025.
- It was not possible to determine if the site would be used for the HIF1 project as this was dependent on approval by the Secretary of State.

The motion to **approve** the recommendation was moved by Cllr Johnson and seconded by Cllr Fenton and put to the vote.

RESOLVED: that the planning applications MW.0004/20 and MW.0008/20 be **APPROVED**.

21/24 LAND AT BRIDGE FARM QUARRY, SUTTON COURTENAY

(Agenda No. 7)

The Planning Development Manager introduced the subsequent two applications for the land at Bridge Farm Quarry, Sutton Courtenay and advised that these were in respect of MW.0048/19 for the removal of mineral from phases 5 & 6 across the B4016 by road and the importation of inert fill material for the restoration of phase 5 which was recommended for approval subject to a routeing agreement to ensure that HGVs transporting inert waste to the site comply with the existing routeing requirements, and a Section 106 agreement requiring (a) works to the highway be completed prior to the commencement of development and (b) work to restore the highway at the crossing point be undertaken following the completion of the development. And application MW.0067/22 for the variation of conditions 2, 39 and 42 of permissions no. MW.0049/19 to extend the date for final restoration and minor amendments to the site's restoration be approved subject to the conditions to be determined by the Head of Strategic Planning to include those set out in Annex 3.

The recommendation to the Committee was as follows:

A – Application MW.0048/19 be APPROVED subject to

- 1. A routeing agreement to ensure that HGVs transporting inert waste to the site comply with the existing routeing requirements for HGVs exporting mineral to access the site via the Didcot Perimeter Road.**
- 2. A section 106 agreement requiring (a) the works to the highway (staggered signalised junction incorporating MOVA) to be completed prior to the commencement of development and (b) works to restore the highway at the crossing point being undertaken following the completion of the development.**

And to conditions to be determined by the Head of Strategic Planning to include those set out in Annex 2.

B – Application MW.0067/22 be APPROVED subject to conditions to be determined by the Head of Strategic Planning to include those set out in Annex 3.

Cllr Gawrysiak proposed the motion to **approve** the applications, which were seconded by Cllr Snowdon.

During debate the following was noted:

- The Committee wished to strictly enforce an end date of 31 December 2025 for completion of the whole site and requested an informative be attached to the decision notices without prejudice to the determination of any future planning application, that the applicant be advised that the Council is of the view that the completion of the development and restoration of the quarry is long outstanding and trusts that the commitments made on behalf of the applicant to the completion of the development and restoration of the quarry in the timescale permitted will be met.
- The Committee were able to set its own monitoring schedule, and whilst not able to set it as a condition to the application, could record for the minutes and would recommend this to be four times a year.
- The Committee did not wish to make any change to condition 5 of Annex 2, for application MW.0048/19 to change the times that operations could be carried out.

RESOLVED: that the planning applications MW.0048/19 and MW.0067/22 be **APPROVED** in the case of application MW.0048/19 subject to the routeing agreement and section 106 agreement described in the officers' recommendation and in the case of application MW.0067/22 an informative that the committee trusted that the commitments made to completion of the development and restoration by the end date of 31 December 2025 would be met.

22/24 DELEGATIONS FOR DISCHARGE OF STATUTORY DEVELOPMENT AND ENFORCEMENT PLANNING FUNCTIONS

(Agenda No. 8)

The Head of Strategic Planning presented the report which sought approval of an updated scheme of delegation to officers on Town and Country Planning matters outside of those decisions taken by the Planning and Regulation Committee.

The Committee were addressed by Greg O'Broin, Vice-Chair of Appleford-on-Thames Parish Council who advised the Committee of their role to question the plans and Officers, and drew particular attention to the amendment to compulsory call in. He requested that the Committee amend the scheme of delegation for better democratic accountability and transparency, and requested that the following amendments be made as follows:

The scheme as proposed be amended for compulsory call-in where:

1. *The County is both the Planning Authority and Developer, or the Council is a landowner.*
2. *Clause 1 iii) be amended to include “or District Councillor representing the area or formal request on foot of resolution at a public meeting from the local Parish Council”.*
3. *Annex 1 final paragraph is amended to include “...advice to be taken from the Committee Chair and the Council's Director of Law and Governance and Monitoring Officer”.*

In response to queries raised by the Committee, the Head of Strategic Planning advised that it would be beneficial for the Committee to consider the points raised by the public speaker to determine how they would work in practice.

The recommendation to the Committee was as follows:

It is recommended that the members of the Planning and Regulation Committee note and approve the updated scheme of delegation to the Director of Economy and Place under the provisions within the Oxfordshire County Council constitution for the discharge of Town & Country Planning development management and planning enforcement functions as set out in Annex 1 to this report.

Cllr Johnson moved the motion to **approve** the recommendation and ask that Officers review the issues raised by the public speaker for further amendment at a later date, and this was seconded by Cllr Roberts.

RESOLVED: that the updated scheme of delegation to the Director of Economy and Place under the provisions within the Oxfordshire County Council constitution for the discharge of Town & Country Planning development management and planning enforcement functions as set out in Annex 1 to this report, be noted and **APPROVED**, and that officers review and report back on the issues raised by the public speaker.

..... in the Chair

Date of signing 2024